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1 **II. BACKGROUND AND CERTIFICATION OF MEET AND CONFER EFFORTS.**

2 Defendant King County agrees with the recitation of the background and certification of
3 meet and confer efforts set forth the City's motion to compel.

4 The following facts provide further detail about King County's efforts to engage Plaintiff
5 in the ongoing discovery process. On May 18, 2022, Defendant King County served Plaintiff's
6 then-counsel with a second set of interrogatories and request for production of documents.
7 Defendant King County agreed to counsel's requests for several extensions of time to file
8 responses. *Declaration of Ann Summers*. In a phone conference with counsel on July 20, 2022,
9 Defendant King County agreed to an additional extension of 30 days, to August 19, 2022, to
10 provide answers. *Id.*

11 On August 19, 2022, counsel for Defendant King County emailed Plaintiff the outstanding
12 discovery pleading and requested that answers be provided by August 26, 2022. *Id.* Plaintiff
13 promptly responded by email that day, stating "I've given my response to providing further
14 information on this case to Rebecca. You can speak with her about that update." *Id.* Counsel for
15 King County emailed Plaintiff requesting clarification as to whether she was declining to provide
16 any further information or discovery to the defendants. *Id.* Plaintiff responded with an email about
17 settlement negotiations. *Id.* Counsel for King County again sent an email to Plaintiff attempting
18 to clarify her position regarding further discovery, asking again whether she was declining to
19 provide further information or discovery to City of Seattle or King County in this case. *Id.*
20 Plaintiff promptly responded, "As I understand it, providing anymore personal information to the
21 city for this case is redundant if I'm required to return to Seattle to resolve it. As I haven't heard
22 back from Rebecca Widen, it doesn't seem to make sense continuing to provide information." *Id.*

1 In an email response to the City's motion to compel, Plaintiff has reiterated that she will refuse to
2 come to Washington. *Id.*

3 **III. ARGUMENT.**

4 Defendant King County agrees that good cause exists in this case to require the Fed. R.
5 Civ. P. 35 examination with the expert retained by the defendants. Based on the pleadings, the
6 discovery to date, and the report of Plaintiff's retained expert Dr. Muscatel, it is clear that the
7 damages sought in this case will be based almost entirely on psychological and emotional injuries
8 that Plaintiff alleges to have suffered as a result of her arrest and brief pre-trial detention. Her
9 mental condition has indisputably been placed in controversy. Fed. R. Civ. P. 35(a)(1). Good
10 cause exists to require this examination to occur in the state of Washington, as outlined in the
11 City's motion to compel.

12 Defendant King County also agrees that an order compelling Plaintiff to submit to a
13 deposition is warranted and necessary for the reasons outlined in the City's motion to compel.


14 Finally, Defendant King County agrees that extensions of the expert disclosure and
15 discovery deadlines are necessary and proper, and agrees with the proposed new deadlines set forth
16 in the City's motion.

17 **IV. CONCLUSION.**

18 Defendant King County joins in respectfully requesting this to Court grant the City's
19 Motion of Compel Plaintiff's Fed. R. Civ. P. 35 Examination of Plaintiff and Deposition and
20 extension of current discovery deadlines.

21 DATED this 2nd day of September, 2022.
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DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on September 2, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system, which will send notification of such filing to the following:

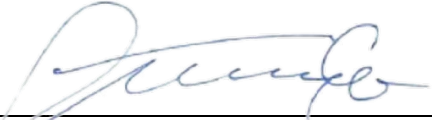
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*Attorney for Defendants City of Seattle,
Scott Luckie and Michael Eastman*

I hereby also certify that on September 2, 2022, I sent copy of the same via U.S. Postal Service and email to the following party:

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Plaintiff Pro Se

1 I declare under penalty of perjury under the laws of the United States and the State of
2 Washington that the foregoing is true and correct.

3 DATED this 2nd day of September, 2022.

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5 RAFAEL A. MUNOZ-CINTRON
6 Legal Assistant – Civil Division
7 King County Prosecuting Attorney's Office
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